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April 15, 2020

Via ECF

The Honorable J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Capser*, 19 CR 337 (JPO)

Dear Judge Oetken:


I write in advance of Mr. Capser's sentencing and in response to the letter filed by the Government on March 13, 2020, alleging new fraudulent conduct by Mr. Capser. In response to that letter, the Court scheduled the matter for a *Fatico* hearing on April 28, 2020. Mr. Capser does not intend to contest the new allegations made by the Government, and accordingly does not believe that a *Fatico* hearing is necessary. Mr. Capser is prepared to proceed to sentencing on this matter.

I further write to request an adjournment of approximately 30 days of Mr. Capser's sentencing. Mr. Capser lives in Billings, MT, and the ongoing public health crisis will make travel to New York both difficult and risky. Additionally, as newly-assigned counsel to this matter, I need more time to familiarize myself fully with the case in order to provide effective representation to Mr. Capser. The Government does not object to this request.

Thank you for your consideration of this application.

Granted.
The *Fatico* hearing is adjourned sine die.
Sentencing in this matter is hereby adjourned to
June 3, 2020, at 11:00 am.
So ordered.
April 16, 2020

Respectfully submitted,



Tamara L. Giwa
Counsel for Todd Capser
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J. PAUL OETKEN
United States District Judge